

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW GROSS, III,

Petitioner,

v.

CASE No. 15-CV-10637
HONORABLE AVERN COHN

UNITED STATES OF AMERICA,

Respondent.

_____ /

ORDER OF TRANSFER

I.

This is a habeas case under to 28 U.S.C. § 2241. Petitioner is a federal prisoner confined at the United States Penitentiary in Terre Haute, Indiana. He is serving a 120-month sentence following his guilty plea to one count of violating 18 U.S.C. § 513 (counterfeit securities), which was entered in this district before another judge. See United States of America v. Andrew Gross, Case No. 02-CR-80163-DT (amended judgment of sentence filed on March 2, 2006). Petitioner challenges the validity of his federal criminal conviction and sentence. He seeks release from custody and monetary damages.¹ For the reasons that follow, the petition will be transferred to the federal district court where Petitioner is incarcerated.

II.

A petition under 28 U.S.C. § 2241 must be filed in the district having jurisdiction

¹Petitioner has filed multiple post-judgment motions in his criminal case, including motions under 28 U.S.C. § 2255, which have been denied by the district court and/or transferred to the Court of Appeals for the Sixth Circuit.

over the petitioner's custodian. Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004); Braden v. 30th Judicial Cir. Ct., 410 U.S. 484, 499-500 (1973); In re Hanserd, 123 F.3d 922, 925 (6th Cir. 1997). Petitioner is incarcerated in Terre Haute, Indiana. Thus, the Court does not have jurisdiction to review the petition.

Under 28 U.S.C. § 1631, the Court is authorized to transfer the petition to the federal district court having jurisdiction over Petitioner's custodian. Terre Haute, Indiana is located within the jurisdiction of the United States District Court for the Southern District of Indiana, Terre Haute Division. See 28 U.S.C. § 94(b)(2). Thus, a transfer to that federal court is appropriate. The Court makes no determination as to the procedural or substantive merits of Petitioner's claims.

III.

Accordingly, this case is TRANSFERRED to the United States District Court for the Southern District of Indiana, Terre Haute Division.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: March 3, 2015

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 3, 2015, by electronic and/or ordinary mail.

S/Sakne Chami
Case Manager, (313) 234-5160